

**MINUTES OF THE
NASH COUNTY PLANNING BOARD MEETING
HELD MONDAY, FEBRUARY 17, 2020 AT 6:30 P.M.
FREDERICK B. COOPER COMMISSIONERS ROOM
CLAUDE MAYO, JR. ADMINISTRATION BUILDING – THIRD FLOOR
120 WEST WASHINGTON STREET
NASHVILLE, NC 27856**

BOARD MEMBERS PRESENT

Leonard Breedlove, Chairman
Moses Brown, Jr.
Sandra Edwards
Jimmy Glover
DeLeon Parker, Jr.
Barbara Pulley
Chris Sandifer
Kevin Smith

BOARD MEMBERS ABSENT

Jeffrey Tobias, Vice-Chairman

STAFF MEMBERS PRESENT

Adam Tyson, Planning Director
Adam Culpepper, Senior Planner
Windy Braswell, Planning Technician

OTHERS PRESENT

Tony Bartlett
Cecil Williams, Jr.

1. Call to Order.

Chairman Breedlove called the meeting to order at 6:30 p.m.

2. Determination of a Quorum.

Chairman Breedlove recognized a quorum.

3. Approval of the Minutes of the December 16, 2019 Regular Meeting.

The minutes of the December 16, 2019 regular meeting were mailed to each member of the Board for review. Chairman Breedlove asked for any revisions or corrections. None were offered.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Smith to approve the minutes of the December 16, 2019 regular meeting as submitted. The motion was unanimously carried.

4. Approval of the Minutes of the January 21, 2020 Regular Meeting.

Chairman Breedlove noted that the preparation of the minutes of the January 21, 2020 regular meeting had been delayed and that they would be submitted for the Board's review and approval at a later date.

5. Approval of the Minutes of the February 11, 2020 Joint Strategic Land Use Planning Workshop.

Chairman Breedlove noted that the preparation of the minutes of the February 11, 2020 Joint Strategic Land Use Planning Workshop had been delayed and that they would be submitted for the Board's review and approval at a later date.

6. Major Subdivision Final Plat for the Worthington Farm Subdivision, Phase II submitted on behalf of Fairfield Realty Down East LLC and the C. T. Williams Corporation, the property owners, for seventeen (17) proposed new residential lots to be developed along both sides of the existing Jordan Road on an 8.15 acre portion of two tracts of land located in the R-20 (Medium Density Residential) and R-20-CU (Medium Density Residential Conditional Use) Zoning Districts.

Chairman Breedlove recognized Mr. Tyson to present the staff report for this item.

Mr. Tyson presented the staff report and supplemental materials related to the Major Subdivision Final Plat for the Worthington Farm Subdivision, Phase II as submitted to the Board in the February 17, 2020 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the Major Subdivision Final Plat for the Worthington Farm Subdivision, Phase II on January 31, 2020 and recommended approval subject to required revisions and conditions.

Mr. Sandifer asked about the water supply available to the proposed lots.

Mr. Tyson answered that the proposed lots would be served by an existing four-inch Nash County public water line installed along the Jordan Road right-of-way.

Mr. Sandifer asked if there had been any contact made with the Rocky Mount-Wilson Regional Airport regarding the proposed development.

Mr. Tyson answered that as a member of the Technical Review Committee, the Rocky Mount-Wilson Regional Airport had been advised of the proposed development and had acknowledged that it was located in proximity to their location, however, their representative did not actually attend the TRC meeting.

Mr. Glover asked about whether the Town of Sharpsburg would assume responsibility for the maintenance of the proposed sewer infrastructure including the septic tank effluent pump (S.T.E.P.) stations.

Mr. Tyson answered that was his understanding, but also noted that the applicant could provide further confirmation.

Mr. Cecil Williams, Jr. addressed the Board in support of the proposed subdivision. He presented photographs of the homes already under construction on Jordan Road and further explained the proposed septic tank effluent pump (S.T.E.P.) stations. He confirmed the Town of Sharpsburg's maintenance responsibility for the sewer system infrastructure.

Mr. Sandifer asked about the proposed location on the lots for the septic tanks and whether those areas would be designated by a utility easement.

Mr. Williams answered that each tank would be located in the front yard of the lot and that the Town of Sharpsburg would have a utility easement to allow for maintenance and repairs.

Mr. Tyson noted that it was his understanding that the exact placement of the S.T.E.P. stations would not be determined until further along in the construction process, however, an agreement to be recorded concurrently with the final plat would establish a blanket easement granting the Town of Sharpsburg legal access to the stations wherever they were ultimately installed.

The Board further discussed how the proposed septic tank effluent pump (S.T.E.P.) stations would function.

There were no further questions.

BOARD ACTION: Mr. Parker offered a motion, which was duly seconded by Ms. Pulley to approve the Major Subdivision Final Plat for the Worthington Farm Subdivision, Phase II, subject to the following revision and conditions:

Revision:

- (1) Correct the labeled width of the area reserved for a future right-of-way shown beside the Laura F. Godwin lot from 60' to 50'.

Conditions for Final Plat Approval:

- (1) The developer shall designate a location for a shared cluster box unit (CBU) mailbox to accommodate centralized mail delivery if required by the United States Postal Service Rocky Mount Postmaster. The mailbox location shall be designed in accordance with all applicable U.S.P.S. and N.C. Department of Transportation requirements.

- (2) **The developer's engineer shall submit the application, nutrient calculations, and other necessary documentation and fees as applicable for the required issuance and recording of an approved Tar-Pamlico River Basin Overlay District Stormwater Permit.**
- (3) **Any documents as deemed necessary by the Town of Sharpsburg shall be recorded concurrently with the final plat in order to establish any required easements or agreements for the operation and maintenance of the municipal sewer system and related septic tank effluent pump (S.T.E.P.) stations.**

The motion was unanimously carried.

Mr. Williams requested to address the Board again and was recognized by Chairman Breedlove.

Mr. Williams stated that it was his original intent when rezoning the subject property to an R-20 designation to then utilize the cluster development option for this subdivision in order to create smaller lot sizes. However, after the requested rezoning was approved, the Board of Commissioners amended the cluster development option of the Unified Development Ordinance in order to no longer allow the clustering of lots to sizes less than 20,000 square feet. He explained that he was previously unaware that a subdivision project required Planning Board approval in order to have a vested right to development. He concluded his remarks by stating that the ordinance amendment rendered the work done on his previous subdivision plans worthless and that the public should be made aware that just because a rezoning is approved, a developer does not always get to follow through with his original intentions.

- 7. Major Subdivision Preliminary Plat for the Poplar Creek Subdivision, Phases III & IV submitted on behalf of Four Seasons Contractors LLC, the property owner and developer, for twenty-six (26) proposed new residential lots and one (1) conservation area lot to be developed along an extension of Poplar Creek Road and two other proposed new public rights-of-way on two tracts of land totaling 33.83 acres located in the RA-30 (Single-Family Residential) Zoning District.**

Chairman Breedlove recognized Mr. Culpepper to present the staff report for this item.

Mr. Culpepper presented the staff report and supplemental materials related to the Major Subdivision Preliminary Plat for the Poplar Creek Subdivision, Phases III & IV as submitted to the Board in the February 17, 2020 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the Major Subdivision Preliminary Plat for the Poplar Creek Subdivision, Phases III & IV on January 31, 2020 and recommended approval subject to required revisions and conditions.

Mr. Sandifer asked about the distinction between manufactured homes and modular homes.

Mr. Tyson answered that this RA-30 Zoning District specifically prohibits the development of manufactured homes such as single-wides and double-wides, however, modular homes are permitted for development by the ordinance wherever stick-built dwellings are permitted.

Chairman Breedlove clarified that modular homes are constructed in accordance with the state building code standards.

The Board further discussed the differences between manufactured homes and modular homes.

There were no further questions.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Smith to approve the Major Subdivision Preliminary Plat for the Poplar Creek Subdivision, Phases III & IV, subject to the following revisions and conditions:

Revisions:

- (1) Specify and relabel the total lot widths as measured along the curve of the 40' front minimum building setback for Lots 25 and 26.
- (2) Per the request of the NCDOT District Engineer, please note on the plans the total amount of paved area in the cul-de-sacs (4,403 square feet as measured from the end of the typical section per information provided by the developer.)
- (3) Correct the scale at which the preliminary plat is prepared. (The current plat was not prepared at the noted 1" = 100' scale.)

Conditions for Construction Authorization:

- (1) The proposed new road name "Reynard Lane" shall be reviewed and approved by Nash County Emergency Services. (Note: "Newport Court" has already received approval.)
- (2) The developer shall submit a Subdivision Review Approval issued by the N.C. Department of Transportation District Engineer based on a review of the proposed road construction plans and the proposed location of the cluster box unit (CBU) mailbox prior to construction.
- (3) The developer's engineer shall submit the required Tar-Pamlico River Basin Overlay District stormwater management plan revised to include the previous Phases I & II as well as the currently proposed Phases III & IV. The submittal shall include the required stormwater application, a detailed narrative describing the project and how the calculations were derived, an updated Tar-Pamlico nutrient calculation worksheet, and any other documents and fees deemed necessary for review and approval.
- (4) The developer shall submit a soils report prepared by a licensed soil scientist for review and approval by the Nash County Environmental Health Division verifying that each proposed new lot will be suitable for the installation of an individual private on-site septic system.
- (5) The developer shall submit an Erosion and Sedimentation Control Plan Approval issued by the N.C. Department of Environmental Quality, Division of Land Resources.
- (6) The developer shall submit a Stream Buffer Determination issued by the N.C. Department of Environmental Quality regarding the potential stream feature depicted on the Soil Survey Map of Nash County located in the area of Lots 40-43.
- (7) The developer shall submit copies of any necessary permits, approvals, and/or documentation as required by the N.C. Department of Environmental Quality and/or the U.S. Army Corps of Engineers related to the impact of the proposed road construction across the existing riparian stream buffer and any related wetland areas.

Conditions for Future Final Plat Approval:

- (1) Post-construction inspection and approval of the new public road rights-of-way by the N.C. Department of Transportation District Engineer. (Note: The NCDOT District Engineer has determined that the existing asphalt for Phases I & II of the Poplar Creek Subdivision

will require repair and maintenance before these roads are eligible to be accepted for state maintenance.)

- (2) A homeowners or property owners association declaration document satisfying all the applicable requirements of UDO Article X, Section 10-5 shall be recorded concurrently with the final plat in order to establish the responsible entity for the ownership and maintenance of the conservation area lots.
- (3) A deed conveying the fee-simple title of the conservation area lots from the current property owner to the owners association shall be recorded concurrently with the final plat.
- (4) The developer shall pay a one-time fee in the total amount of \$120.00 (\$60.00 per sign blade) at the time of the submittal of the final plat for the purchase and installation of two new road name signs.

The motion was unanimously carried.

8. **Major Subdivision Final Plat for the Buck's Pointe Subdivision submitted on behalf of Four Seasons Contractors LLC, the property owner and developer, for eleven (11) proposed new residential lots to be developed along the existing Red Road and W Beulah Road on a 13.18 acre portion of a tract of land located in the A1 (Agricultural) Zoning District.**

Chairman Breedlove recognized Mr. Culpepper to present the staff report for this item.

Mr. Culpepper presented the staff report and supplemental materials related to the Major Subdivision Final Plat for the Buck's Pointe Subdivision as submitted to the Board in the February 17, 2020 Nash County Planning Board agenda document. He noted that the Nash County Technical Review Committee (TRC) considered the Major Subdivision Final Plat for the Buck's Pointe Subdivision on January 31, 2020 and recommended approval subject to required revisions and conditions.

Mr. Brown asked about the requested revision to remove the word "proposed" from the label for the 10' wide cemetery access easement.

Mr. Culpepper answered that the revision was requested because this is a final plat intended for recording as opposed to a preliminary plat.

Mr. Sandifer asked about the "N/F" notation labeling the adjacent properties on the plat.

Mr. Tyson noted that the "N/F" designation was labeled on all the surrounding parcels shown on the plat.

The Board discussed the existing house on the lot of record located immediately adjacent to the subject property at 2767 Red Road.

Mr. Parker requested to recuse himself from voting on this agenda item because he had represented one of the parties during the purchase of the subject property.

BOARD ACTION: Mr. Sandifer offered a motion, which was duly seconded by Mr. Glover to approve the Major Subdivision Final Plat for the Buck's Pointe Subdivision, subject to the following revisions and conditions:

Revisions:

- (1) Correct the Tax Map PIN Number to the newly created: 380200343785.
- (2) Label the cemetery lot as "Special Purpose Lot for use as a Cemetery."
- (3) Remove the word "Proposed" from the label for the 10' wide cemetery access easement.
- (4) Add the Riparian Buffer Note (See Certificate P found in the Nash County UDO Appendix 2: A-2-2.)

Conditions for Final Plat Approval:

- (1) The developer shall submit a soils report prepared by a licensed soil scientist for review and approval by the Nash County Environmental Health Division verifying that each proposed new lot will be suitable for the installation of an individual private on-site septic system.
- (2) A Tar-Pamlico River Basin Overlay District Stormwater Permit shall be issued and recorded along with the related documents establishing the required conservation easements. The developer shall submit the applicable recording fees for both documents.
- (3) The developer shall designate a location for a shared cluster box unit (CBU) mailbox to accommodate centralized mail delivery if required by the United States Postal Service Nashville Postmaster. The mailbox location shall be designed in accordance with all applicable U.S.P.S. and N.C. Department of Transportation requirements.

The motion was unanimously carried with Mr. Parker not voting.

9. Other Business.

Mr. Tyson provided an update to the Board on the planning actions taken by the Nash County Board of Commissioners at their February 3, 2020 meeting, including the approval of Text Amendment Request A-200101 to amend the Nash County UDO Article XI, Section 11-4, Subsection 11-4.72(a), (C) in order to remove the building setback requirements applicable within solar farm facilities along interior property lines dividing separately owned lots; the approval of Conditional Use Permit Request CU-200101 to authorize the development of the northern portion of the East Nash PV1, LLC solar farm at 1652 N Old Franklin Rd; and the approval of Conditional Use Permit CU-190701 Amendment Request to authorize an expansion of the previously approved Phobos Solar, LLC solar farm at 2949 Old Nash Rd and 3951 & 3990 Frazier Rd.

Mr. Tyson also thanked the Board members for their participation in the Nash County Joint Strategic Land Use Planning Workshop held on February 11, 2020. He noted that the results of that workshop would be compiled into a report and that the Planning Board should expect to meet with the Board of Commissioners again, most likely after a consultant had been selected for the Land Development Plan update project.

10. Adjournment.

There being no further business, Chairman Breedlove adjourned the meeting at 7:17 p.m.